



# COMMONWEALTH of VIRGINIA

Office of the Governor

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February 7, 2007

Mr. David S. Ekern  
Commissioner  
Virginia Department of Transportation  
1401 East Broad Street  
Richmond, Virginia 23219

Dear Commissioner Ekern:

Thank you for your memorandum of October 16 regarding the Route 460 Corridor Improvement project. This corridor is a strategic component in our long-term freight management, hurricane evacuation, congestion reduction and economic development programs.

The purpose of this letter is to advance all three conceptual PPTA proposals for consideration by the Independent Review Panel, consistent with our adopted PPTA guidelines. The Panel will consist of the following:

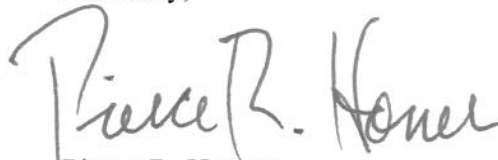
Mr. Alan S. Witt, Chair and CTB Member  
Mr. E. Dana Dickens, III, CTB Member  
Mr. Gerald P. McCarthy, CTB Member  
Mr. Kenneth S. White, CTB Member  
Mr. Raynor A Taylor, Citizen  
Mr. Floyd M. Brown, Citizen  
Mr. Steven Mondul, Deputy Assistant to the Governor for Commonwealth Preparedness  
Mr. Mal T. Kerley, VDOT Chief Engineer  
Ms. Barbara Reese, VDOT Chief Financial Officer  
Mr. Jeff Florin, Virginia Port Authority  
Mr. Dennis Heuer, VDOT Hampton Roads District Administrator  
Mr. Dwight L. Farmer, Hampton Roads Planning District Commission  
Mr. Dennis K. Morris, Crater Planning District  
Mr. Michael D. Fontaine, Ph.D., P.E., ODU

Because of the scope and complexity of this project, as well as the overall transportation funding needs of the Commonwealth, the work of the Independent Review Panel shall be guided by the following conditions and limitations:

1. Should the Panel recommend, and the Commissioner concur, that one or more of the PPTA proposals be advanced to the detailed proposal stage, the regional constrained long range plans must reflect a finding of financial feasibility. Neither the Commonwealth nor the regions can expect private investment to occur under the PPTA without some degree of regulatory certainty. In short, detailed proposals for the Rt. 460 project will not be requested unless the regional planning organizations include the Rt. 460 project for construction in their constrained long range plans.
2. The Panel should be aware of tolling proposals embedded in the Rt. 460 proposals for facilities outside of the Rt. 460 corridor. However, tolling of facilities outside of the Rt. 460 corridor was not part of the original solicitation, and all such proposals raise significant policy and legal questions at the local, regional, state and federal levels. The Panel may, in its discretion, identify potential funding gaps and the need for public sector funding to supplement toll revenues derived from the Rt. 460 project.
3. Transparency and accountability are mandatory in the Virginia PPTA process. Panelists should not meet privately with proposers or their representatives. PPTA teams sign a document limiting their advocacy communications. In addition, panelists should disclose any communications with advocates. I will ask the Panel chair to provide a mechanism to ensure that panelists disclose any advocacy communications on this topic. The business of the Panel must be conducted honestly, openly, and vigorously.

Thank you for your patience in this process as we begin working through some very challenging regional and statewide funding issues. Recent actions in the General Assembly indicate that we may indeed have adequate resources to pursue this and other projects as public-private partnerships. We are now ready to proceed to the next step in the PPTA process.

Sincerely,



Pierce R. Homer

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Attachment

Copy: Mr. Matthew O. Tucker  
Panel Members